

## ORDINANCE NO. 94A

AN ORDINANCE PROVIDING FOR THE REGULATION OF SANITARY SEWER USE AND SERVICE, ESTABLISHING RATES AND PROVIDING FOR PENALTY AND VIOLATION THEREOF OF THE TOWN OF STRATTON, COLORADO, AND REPEALING ORDINANCE 51A AND 80A AND ALL AMENDMENTS THERETO.

WHEREAS, the Board of Trustees of the Town of Stratton finds that because of increased costs of labor, and materials and other inflationary pressures, and because the Town of Stratton will be required to make substantial improvements to its sewer system, it is necessary to raise consumer rates for sewer.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF STRATTON, COLORADO:

### SEWER SERVICE REGULATIONS

Section 1. Ordinance 51A enacted April 12, 1990, and all amendments thereof, namely Ordinance 80A enacted December 14, 1995 and any other ordinances or provisions in conflict with this Ordinance is hereby repealed and reenacted with changes, all as set forth in this ordinance.

#### Section 2. Definition:

- (a) Resident Consumer: Any person, partnership, corporation or association using water supplied under this Ordinance by the Town of Stratton, Colorado, and residing or having their principal place of business, within the corporate limits of the Town of Stratton, Colorado, as it now exists or as it may be enlarged by annexation, is deemed a resident consumer under this Ordinance.
- (b) Non-Resident consumer: Any person, partnership, corporation or association using water supplied under this Ordinance by the Town of Stratton, Colorado, who resides or has their principal place of business outside of the corporate limits of the Town of Stratton, Colorado, is deemed to be a Non-Resident Consumer under this Ordinance.
- (c) Applicant: Any person, partnership, corporation or association desiring to become a resident consumer, when making application under this Ordinance for such service, shall be deemed an Applicant.
- (d) Fee: Refers to the current adopted rate schedule for all fees.
- (e) Responsibility: The Town of Stratton will be responsible for all trunk sewer lines within the town limits. The customer will be responsible for their sewer line from the trunk sewer lines connections.

Section 3. Permit Required. It is unlawful for any person to open, uncover or in any manner make connection with any sewer main or line of the Town, or to lay drain or sewer pipes on any premises or in any street or alley in the Town without first obtaining a written permit therefor.

Section 4. Application. The application for such permit shall be in writing and shall contain the following information:

- (a) Name and address of applicant;
- (b) Name and address of owner of the premises where such connection is to be made; and where the drain or line is to be laid;
- (c) Statement as to the type of connection and type of materials to be discharged into the sewer.

Section 5. Issuance of Permit. If the proposed connection does not violate any provision herein and

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does not violate any other laws of the Town, the Town shall issue a permit for such application and shall specify the type and kind of grease and sand traps to be used.

Section 6. Tap Fee. At the time of filing the application, the applicant shall pay the current adopted tapping fee.

Section 7. Sewer Service Charge. Sewer system fees to resident and non-resident consumers shall be applied according to the current adopted rate schedule, which is attached hereto and incorporated herein.

Section 8. Failure to Pay Sewer Charges. All consumer accounts, whether resident or non-resident shall be due and payable, without notice on the 10th day of each calendar month that water is used by the consumer. An assessed penalty shall be added to all accounts not paid by the 10th of the month. If the consumer fails to pay the same by the last day of the month in which the water is used, notice of the account shall be sent to the consumer from the Town Clerk of the Town of Stratton and if the account is not paid by the 10th day of the following month, the Town shall be certified to the county commissioners of Kit Carson County and shall become a lien on the property served and collected as though they were part of the taxes. The word consumer in this Ordinance when used by itself shall be deemed a non-resident or resident consumer. All notices required herein shall be given through the United States Mail and the time required in such notice shall start when the same is delivered to the United States Post Office located in Stratton, Colorado. In the event that the water shall be turned off at the request of any consumer or user or for violation of any provisions of the terms and conditions of this Ordinance, the consumer, whether the consumer be a resident or non-resident, shall be required after the outstanding sewer charges have been applied as a lien on the property, to make application for further use of sewer in accordance with Section 3 as heretofore set forth and all fees, including any delinquent or past due balances, required thereunder shall be due and payable. In the case of a rental unit, the delinquent or past due amounts will revert back to the property owner.

Section 9. Adoption of Rules and Regulations Governing Sewers. The Board of Trustees shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient and economical management of the Town sewer system. Such rules and regulations, when not repugnant to any other ordinances of the Town and laws of the State shall have the same force and effect as ordinances of the Town.

### Section 10. Construction of Sewers.

(a) Any user of the sewer system must build his own sewer line if there is no line available for him to connect with. All connections to the Town's sewer system must be made by a licensed plumber, subject to the supervision and inspection of the Town, and in compliance with the State plumbing code.

(b) All service lines shall be constructed in accordance with Town standards of VCP or heavy PVC pipe. No line shall be bedded or backfilled until inspected by the Town. Maintenance of sewer service lines shall be the responsibility of individual user. Each building shall have a separate service line unless otherwise approved.

Section 11. Discharge of Nonacceptable Wastes Into Sewer. The discharge of nonacceptable wastes into the Town sewer system whether directly or indirectly, is prohibited, and where investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land,

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building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be, at his own expense, required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the Town in order to convert the same into acceptable waste.

Section 12. Use of Grease, Oil and Sand Interceptors. Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of any liquid waste containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 13. Control Manhole Required. When required by the Town, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of waste. Such manholes, when required, shall be accessible and safely located and shall be constructed in accordance with the plans approved by the Town. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 14. Abandonment of Connection. No person shall abandon any building connection without first obtaining a written permit therefor. Such building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the sewer extending to the property line which stopper shall be jointed as directed by the Town.

Section 15. Interference with Town Employees Prohibited - Digging Up Streets for Purposes of Sewer Connections. No person shall in any way interfere with the employees of the Town in any discharge of their duties either in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in the Town for the purpose of connecting with the sewer system of the Town, without first obtaining a permit, and no person having a permit shall dig up any portion of any street or alley of the Town, for the purpose of connecting with the sewer system of the Town and fail or neglect to place the street or alley in its original condition.

Section 16. Deposit of Unsanitary Wastes on Property. No person shall deposit or permit to be deposited in any unsanitary manner upon public or private property within the Town or within any area within the jurisdiction of the Town any human or animal excrement wastes.

Section 17. Deposit of Untreated Industrial Waste Into Natural Outlets. No person shall discharge into any natural outlet within the Town, or any area within the jurisdiction of the Town, any sanitary sewer industrial waste or other polluted waste, except where suitable treatment has been provided.

Section 18. Damaging, Tampering With Sewers. No person shall maliciously, willfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Town sanitary sewer system.

**ORDINANCE NO. 94A CONTINUED**

Section 19. Discontinuance of Sewer Service. In addition to the remedies provided in this section, the Town may, without notice, discontinue sanitary sewer service to any premises as to which the sanitary sewer system charges are delinquent for a period of ten days. The Town may, without notice, discontinue the sanitary sewer service to any premises discharging nonacceptable wastes in the sanitary sewer system.

Section 20. Connection With Sanitary Sewer Required - Exception for Private System.

(a) Except where otherwise provided, no person shall maintain within the Town any privy, privy vault, septic tank cesspool or other facility intended for the disposal of sewage.

(b) Where the Town sanitary sewer is not available within the Town or in any area under the jurisdiction of the Town the building sewer shall be connected to a private sewer disposal system complying with the provisions of the Department of Public Health of the State. Such private sewer disposal system shall be constructed, maintained and operated at all times in a sanitary manner.

(c) At such time as the Town sanitary sewer becomes available to property served by the private sewage disposal system, a direct connection shall be made to the Town sanitary sewer in accordance with the provisions of this regulation and abandoned and filled with suitable material.

Section 21. Any person who violates any of the provisions of this Ordinance shall, upon conviction thereof, be fined a fee up to the maximum violation fee and the cost of prosecution, and shall be imprisoned up to 30 days in jail, or both. In addition to such fine and costs of prosecution, the Board of Trustees, when notified that any person charged with the violation of this Ordinance, shall have been found guilty as charged, shall in their discretion have the right and option to order a discontinuance and thereafter discontinue sewer service to the property of any violator of any of the terms and conditions of this Ordinance. It is expressly provided that any person being charged with the violation of this Ordinance shall have the opportunity of a trial by judge and jury as he may so request.

Section 22. It is hereby declared that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety of the residents of the Town of Stratton, Colorado, and shall be in full force and effect after its passage and publication as provided for by law.

PASSED BY THE BOARD OF TRUSTEES AND SIGNED THIS 27<sup>th</sup> day of April, 2000.



Richard A. Ramos, Mayor

(SEAL)

ATTEST:



Applicable Fees:

Nonrefundable Water Application Fee:	\$50.00
Nonrefundable Activation Fee:	\$25.00
Water Tap Fee - Resident only:	\$550.00
Sewer Tap Fee - Resident only:	\$250.00
Penalty (Late fee):	10%
Violation Fee:	\$250 to \$500 (Judges discretion)

**Monthly Usage Schedule**

(billed separately or collectively)

RESIDENT:

**Residential Water:**

One Unit = \$14.00 per month = 3,000 gallons  
 each additional 1,000 gallons = \$ .60  
 ie: 3,001 to 4,000 gallons = \$14.00 plus \$.60  
 4,001 to 5,000 gallons = \$14.00 plus \$1.20  
 5,001 to 6,000 gallons = \$14.00 plus \$1.80  
 etc.

**Residential Sewer:**

One Unit = \$6.50 per month

**Commerical Water:**

One Unit = \$23.00 per month = 3,000 gallons  
 each additional 1,000 gallons = \$ .60  
 ie: 3,001 to 4,000 gallons = \$23.00 plus \$.60  
 4,001 to 5,000 gallons = \$23.00 plus \$1.20  
 5,001 to 6,000 gallons = \$23.00 plus \$1.80  
 etc.

**Commerical Sewer:**

One Unit = \$10.00 per month

NON-RESIDENT:

**Residential Water:**

One Unit = \$23.00 per month = 3,000 gallons  
 each additional 1,000 gallons = \$ .80  
 ie: 3,001 to 4,000 gallons = \$23.00 plus \$.80  
 4,001 to 5,000 gallons = \$23.00 plus \$1.60  
 5,001 to 6,000 gallons = \$23.00 plus \$2.40  
 etc.

**Residential Sewer:**

One Unit = \$10.00 per month

**Commerical Water:**

One Unit = \$32.00 per month = 3,000 gallons  
 each additional 1,000 gallons = \$ .80  
 ie: 3,001 to 4,000 gallons = \$32.00 plus \$.80  
 4,001 to 5,000 gallons = \$32.00 plus \$1.60  
 5,001 to 6,000 gallons = \$32.00 plus \$2.40  
 etc.

**Commerical Sewer:**

One Unit = \$13.50 per month

UNIT DEFINITIONS

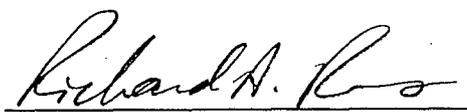
- Single Family = each home = one unit
- Multi-Family = each apartment = one unit
- Camper Site = *(temporary camping sites)*
  - seasonal: each two sites = one unit
  - non-seasonal: each four sites = one unit
- Motel = each two rooms = one unit
- Business = each separate location = one unit
- Mobile Home Park each home = one unit

PASSED AND ADOPTED, SIGNED AND APPROVED

this 27th day of April, 2000

ATTEST:

  
 Paulette Thompson, Town Clerk

  
 Richard A. Ramos, Mayor

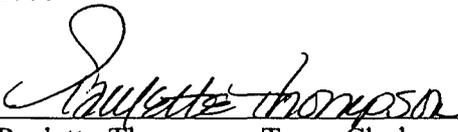
**ORDINANCE NO. 94A CONTINUED**

Paulette Thompson, Town Clerk

STATE OF COLORADO                    )  
County of Kit Carson                 ) ss.                   CLERK'S CERTIFICATE  
Town of Stratton                     )

That I, Paulette Thompson, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 94A was passed and adopted by a three-quarters majority of the Board of Trustees of the Town of Stratton on the 27<sup>th</sup> day of April, 2000, and that the above entitled Ordinance is a true, correct and full copy of the Ordinance as shown in Ordinance Book of the records of the Town of Stratton, Stratton, Colorado.

Dated this 27th day of April, 2000

  
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Paulette Thompson, Town Clerk

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